

60,130-1791
02MRA0466**REMARKS**

Reconsideration and allowance are respectfully requested. Claims 1-19 stand rejected. Applicant has amended claims 1-8, 10-17, and 19; cancelled claims 9 and 18 without prejudice; and has added new claims 20 and 21. No new matter has been added.

The Office Action noted that the oath or declaration is defective. Applicant filed a corrected declaration on December 3, 2003 containing the correct foreign priority document number.

§ 112 rejections

Claims 1-19 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has amended the claims to correct the informalities helpfully noted by the Examiner.

Claims 9 and 18 were rejected under 35 U.S.C. § 112, first paragraph, as not complying with the written description requirement. Applicant has cancelled claims 9 and 18 without prejudice, rendering the rejection moot.

Withdrawal of the rejections under § 112, first and second paragraphs is therefore respectfully requested.

Formal issues

The Office Action objected to the specification and drawings for failing to provide antecedent basis for the subject matter in claims 9 and 18. Applicant has cancelled claims 9 and 18 without prejudice, rendering the objection moot. Withdrawal of the objection is therefore respectfully requested.

§ 102 rejections

Claims 1-8 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,290,289 to Ohtsu et al. ("Ohtsu"). Applicant respectfully traverses this rejection.

Contrary to the Office Action's assertion, Ohtsu does not disclose a structure where first and second locking portions directly engage each other. The Office Action asserted that the stopper shoe 8c and the various grooves in the rail 4 are the same as the claimed first and second locking portions. Applicant respectfully disagrees.

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Ohtsu fails to show first and second locking portions of the slotted guide and the profiled rail, respectively, that directly engage each other as recited in independent claim 1. Instead, Ohtsu discloses a separate stopper shoe 8c that is attached to a guide member 8 (Figure 5). More particularly, the stopper shoe 8c is inserted into an opening (Figure 4, below reference numeral 4b) and projects upwards with respect to the rail 4 (Figure 3).

When the lid is held in its fully closed state and in its tilted-up state, the stopper shoe 8c engages with a stopper groove 4c (col. 4, lines 9-13). However, the guide member 8 itself does not have any locking portion, much less a locking portion that directly engages with any locking portion of the rail 4. Instead, Ohtsu shows a projection on the guide member 8 that engages with the stopper shoe 8c, which in turn engages with the stopper groove 4c, when the lid is in the fully closed state and in the tilt-up state (col. 4, lines 11-13). Thus, any engagement between the guide member 8 and the rail 4 in Ohtsu is conducted indirectly via the separate stopper shoe 8c. Thus, Ohtsu does not show an arrangement where the slotted guide and the profiled rail engage directly with each other via their respective locking portions as opposed to through a separate intermediate component.

Because Ohtsu does not show first and second locking members that directly engage with each other, Ohtsu does not anticipate claim 1-8. Withdrawal of the rejection is therefore respectfully requested.

§ 103 rejections

Claim 7 stands further rejected under 35 U.S.C. § 103(a) as being unpatentable over Ohtsu. Applicant respectfully traverses this rejection. Claim 7 depends on patentable claim 1 and is therefore patentable for the reasons explained above. Withdrawal of the rejection is therefore respectfully requested.

Claims 10 and 13-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ohtsu in view of U.S. Patent No. 5,718,472 to Otake et al. ("Otake"). Applicant respectfully traverses this rejection.

Claim 10 depends on patentable claim 1 and is therefore patentable for the reasons explained above. Combining Ohtsu with Otake still fails to teach the claimed invention because Otake also fails to show a guide member that engages directly with a rail. Instead, Otake

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discloses engaging and disengaging a roller 10 and a catch member 22, which were noted by the Examiner as coupling/decoupling mechanisms (Figures 9 and 10; col. 6, lines 35-39). At best, the roller 10 and catch member 22 act as intermediate engagement structures, which fail to suggest direct engagement between the guide member and the rail. Withdrawal of the rejection is therefore respectfully requested.

Applicant thanks the Examiner for indicating that claims 11-12 and 19 contain allowable subject matter. Applicant has rewritten claims 11 and 19 in independent form. Allowance is therefore respectfully requested.

Applicant has added new claim 20, which recites a slotted guide having laterally projecting extensions extending from opposite sides of the slotted guide. Ohtsu fails to disclose this structure because, as shown in Figures 4 and 5, the guide member 8 in Ohtsu has a projection member that extends from only one side. As a result, the structure shown in Ohtsu allows the guide member 8 to tilt within the rail 4, increasing wear. Nothing in Ohtsu or Otake suggests a slotted guide having projections on opposite sides, particularly in view of the specific manner of operation shown in Figures 4 and 5 of Ohtsu requiring the guide member 8 to move freely in a lateral direction with respect to the rail 4. Entry and allowance of new claim 20 are therefore respectfully requested.

Applicant has also added new claim 21, which incorporates the limitations of original claim 3 into original claim 1. New claim 21 is patentable because none of the cited references show first and second locking portions that engage when the slotted guide is in a raised position and disengage when the slotted guide is in the lowered position. Ohtsu does not disclose disengaging the first and second locking portions when the slotted guide is in the lowered position.

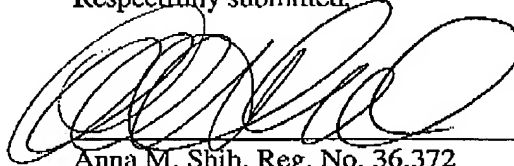
The Office Action asserted that the stopper shoe 8c and the various grooves in the rail 4 are the same as the claimed first and second locking portions. As shown in Figure 3 of Ohtsu, the stopper shoe 8c does not disengage to move the guide member 8 out of locking engagement with the guide rail 4. Instead, when the guide member 8 is in the lowered position, the stopper shoe 8c engages with a guide groove 4c, which locks the guide member 8 together with the rail 4 (col. 5, lines 10-14). Similarly, Otake ensures that the slotted guide is always locked to the rail regardless of the position of the slotted guide (Figures 6 and 9). New claim 21, by contrast, recites that the

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first and second locking portions disengage to move the slotted guide out of engagement when the slotted guide is in the lowered position. Entry and allowance of new claim 21 are therefore respectfully requested.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,



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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, (703) 872-9306, on May 4, 2004.


Beth A Beard